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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/536,546

05/26/2005

Anja Patten

2235USWO

9817

43896

7590

08/26/2008

ECOLAB INC.

MAIL STOP ESC-F7, 655 LONE OAK DRIVE

EAGAN, MN 55121

EXAMINER

DOUYON, LORNA M

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

08/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/536,546	Applicant(s) PATTEN ET AL.	
	Examiner Lorna M. Douyon	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19 and 23-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. This action is responsive to the amendment filed on June 4, 2008.
2. Claims 19, 23-30 are pending.
3. Claims 19, 23-24, 26-28 and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson et al. (US Patent No. 6,432,906), hereinafter "Carlson" for the reasons set forth in the previous office action.
4. Claim 25 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson as applied to the above claims, and further in view of Morelli et al. (US Patent No. 6,524,624) for the reasons set forth in the previous office action.
5. Claim 29 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson as applied to the above claims, and further in view of Mandler et al. (US Patent No. 5,573,698) for the reasons set forth in the previous office action.
6. Claims **19, 23-30** are rejected under **35 U.S.C. 112, first paragraph**, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The added limitation "the cleaning block is not a paste" in line 5 (last line) of independent claim 19 lacks literal basis in the specification

as originally filed, see *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983) *aff'd mem.* 738 F.2d 453 (Fed. Cir. 1984), and is therefore considered as new matter. Claims 23-30, being dependent upon claim 19, are rejected as well.

Response to Arguments

7. Applicants' arguments filed June 4, 2008 have been fully considered but they are not persuasive.

With respect to the obviousness rejection based upon Carlson, Applicants argue that: *The presently claimed invention is directed to an acidic cleaning block that is not a paste comprising citric acid, at least two acids selected from adipic, succinic, glutaric and mixtures thereof, at least 3% and up to 20% by weight of water. Applicants respectfully submit that Carlson et al. does not teach or suggest such a cleaning block. Nor has the Office Action pointed to anything in the art generally that teaches or suggests the presently claimed invention.*

The Examiner respectfully disagrees with the above arguments because Carlson, throughout the specification, teaches a "solid block cleaning composition" (see for example, abstract, col. 2, lines 29-57, col. 3, lines 1-2 and claim 16) which comprises citric acid, succinic acid, glutaric acid, adipic acid, among a few selection, and any combination of these acids (see col. 6, lines 44-65) and about 5 to 10 wt.% water (see claim 16), whose range overlaps the required range of at least 3% and up to 20% by weight. In col. 3, lines 14-15, Carlson also teaches that a "solid" can be in the form of a matrix including a hard block or brick. Even though Example 34a which comprises citric

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acid and SOKALAN DCS (which consists of adipic, glutaric and succinic acids) is a paste, the reference is not limited to the working examples, see *In re Fracalossi*, 215 USPQ 569 (CCPA 1982). All disclosures of the prior art, including non-preferred embodiment, must be considered. See *In re Lamberti and Konort*, 192 USPQ 278 (CCPA 1967); *In re Snow* 176 USPQ, 328, 329 (CCPA 1973).

With respect to the rejection of claim 25 under 35 U.S.C. § 103(a) as unpatentable over Carlson in view of Morelli, Applicants argue that Carlson fails to teach or suggest the presently claimed invention and Morelli does not remedy this shortcoming.

The above response to Carlson applies here as well. Hence, the combination of Carlson and Morelli is proper and is maintained.

With respect to the rejection of claim 29 under 35 U.S.C. § 103(a) as unpatentable over Carlson in view of Mandler, Applicants argue that Carlson does not teach or suggest the presently claimed invention and Mandler does not remedy this shortcoming.

The above response to Carlson applies here as well. Hence, the combination of Carlson and Mandler is proper and is maintained.

Conclusion

8. Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to 3 whose telephone number is 571-272-1313. The examiner can normally be reached on Mondays-Fridays 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lorna M. Douyon/
Primary Examiner
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